

### **REMARKS**

This responds to the Office Action dated December 21, 2007.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-4, 6-14, 16-17, 19-21, 32, 34-36, 38-39 are now pending in this application.

### **Drawings**

Figures 1, 2 and 3 were objected to since the drawings are not of sufficient quality to permit examination. The Office Action set a TWO-MONTH time period for submitting new drawings.

Corrected drawings are submitted herewith and entry is respectfully requested.

### **Examiner Interview Summary**

Applicant thanks Examiner Bitar for extending the courtesy of a helpful telephonic interview on March 18, 2008 with Applicant's representative David W. Black. The interview included a discussion of procedural matters concerning overcoming a rejection under 35 U.S.C. § 102(a). No references were discussed.

In a follow-up teleconference on March 19, 2008, Examiner Bitar informed Applicant's representative that corrected drawings can be filed with a petition for a one-month extension by March 21, 2008 and that a response to the § 102 rejection can be filed at a later date with an appropriate petition for extension.

### **§102 Rejection of the Claims**

Claims 1-4, 6-14, 16-17, 19-21, 31-32, 34-36 and 38-39 were rejected under 35 U.S.C. § 102(a) as being unpatentable by Yoo et al. (Post processing Techniques for time resolved Contract-enhanced MR Angiography, January 7, 2002).

Applicant respectfully submits that Yoo should be cited with a date of February 2002 (rather than January 7, 2002) as noted in the footer of the document and as noted at the Radiology website, accessible at <http://radiology.rsna.org/>.

Nevertheless, Applicant respectfully submits that the Yoo paper is co-authored by individuals that made no inventive contribution to the claimed subject matter of the instant

application. In particular, neither Stanley K. Yoo nor Priscilla A. Winchester provided an inventive contribution to the claimed subject matter. The inventors are duly noted in the filed declaration.

Accordingly, Applicant submits that the Yoo paper is not available as a reference, and therefore, respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(a).

Applicant respectfully requests reconsideration and allowance of the pending claims.

*Reservation of Rights*

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6911 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

March 19, 2008

By

D. W. Black

David W. Black

Reg. No. 42,331

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19th day of March 2008.

Name

Dawn M. Poole

Signature

Dawn M. Poole